

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JULIUS FORDE,

Plaintiff,

-against-

CITY OF NEW YORK, P.O. GREGORY WAITHE,
Shield No. 13367, Individually and in his official
Capacity, and P.O.'s "JOHN DOE" #1-10, Individually
and in their Official Capacity (the name John Doe being
fictitious, as the true names are presently unknown),

Defendants.

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JUDGMENT
12-CV- 1547 (RRM)

Defendants City of New York and P.O. Gregory Waithe, having offered Plaintiff Julius Forde to take a judgment against the City of New York in this action for the total sum of Twenty Thousand and One (\$20,001.00) Dollars, plus reasonable attorneys' fees, expenses, and costs to the date of this offer for Plaintiff Julius Forde's federal claims and Plaintiff Julius Forde having accepted said offer; it is

ORDERED and ADJUDGED that judgment is hereby entered pursuant to Rule 68 of the Federal Rules of Civil Procedure in favor of Plaintiff Julius Forde and against the City of New York in the total sum of Twenty Thousand and One (\$20,001.00) Dollars, plus reasonable attorneys' fees, expenses and costs.

In accordance with the offer of judgment, this judgment is in full satisfaction of all federal and state law claims or rights that Plaintiff Julius Forde may have to damages, or any other form of relief, arising out of the alleged acts or omissions of Defendants or any official,

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employee, or agent, either past or present, of the City of New York, or any agency thereof, in connection with the facts and circumstances that are the subject of this action; this judgment is made for the purposes specified in Rule 68 of the Federal Rules of Civil Procedure and is not to be construed as an admission of liability by Defendants or any official, employee, or agent of the City of New York, or any agency thereof; nor is it an admission that Plaintiff has suffered any damages; this offer of judgment will act to release and discharge Defendants; their successors or assigns, and all past and present officials, employees, representatives, agents of the City of New York, or any agency thereof, from any and all claims that are the subject of this action; further, Plaintiff Julius Forde waives rights to any claims for interest on the amount of the judgment and agrees that payment of Twenty Thousand and One (\$20,001.00) Dollars within ninety (90) days of the acceptance of the offer shall be reasonable time for such payment, unless Plaintiff received medical treatment in connection with the underlying claims in this case for which Medicare has provided, or will provide, payment in full or in part; if Plaintiff Julius Forde is a Medicare recipient who received medical treatment in connection with the claims in this case, the ninety (90) day period for payment shall start to run from the date Plaintiff submits to counsel for Defendants a final demand letter from Medicare; Plaintiff Julius Forde further agrees to resolve any claim that Medicare may have for reimbursement of conditional payments it has made as secondary payer, and a Medicare Set-Aside Trust shall be created, if required by 42 U.S.C. § 1395y(b) 42 C.F.R. §§ 411.22 through 411.26 and Plaintiff Julius Forde further agrees to hold harmless Defendants and all past and present officials, employees, representatives and

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agents of the City of New York, or any agency thereof, regarding any past and/or future Medicare payments, presently known or unknown, made in connection with this matter.

Dated: Brooklyn, New York
April 08, 2014

Douglas C. Palmer
Clerk of Court

by: /s/ Janet Hamilton
Deputy Clerk